

IN THE DISTRICT COURT OF GARVIN COUNTY
STATE OF OKLAHOMA

STATE OF OKLAHOMA
GARVIN COUNTY
FILED

SS.

FEB 18 2022

AT 1:30 O'CLOCK P.M.
LAURA LEE, Court Clerk
BY [Signature] DEPUTY

TROY LINN SIBLEY,
An individual,

Plaintiff,

v.

THOMAS EDWARD KANE,
An individual,
TAMMY KANE,
An individual
THE HERTZ CORPORATION,
A foreign for-Profit Corporation,

Defendants

Case No. CJ-22-21

Judge: Edwards

PETITION

COMES NOW, Plaintiff, Troy Linn Sibley, by and through counsel, Jack G. Zurawik of Jack G. Zurawik, P.C., and Timothy P. Clancy of Clancy & Thompson, PLLC., who alleges and states in support of this Petition for damages against the Defendants, Thomas Edward Kane ("Kane"), Tammy Kane and The Hertz Corporation ("Hertz") as follows:

PARTIES

1. Troy Linn Sibley is a resident of Galesburg, IL.
2. Thomas Edward Kane and Tammy Kane are residents of Southlake, Tarrant County, TX.
3. The Hertz Corporation is a foreign corporation with its principal place of business in Oklahoma County at 5601 Northwest Expressway, Warr Acres, OK 73132.



ALLEGATIONS

4. On Monday March 2, 2020, Troy Linn Sibley was operating his vehicle legally in the northbound lane of Interstate 35 near Wynnewood, OK in Garvin County when he encountered a problem with a tire on his vehicle.
5. Mr. Sibley immediately and appropriately moved his vehicle into the outside shoulder of northbound Interstate 35, parked his vehicle with the emergency flashers on and waited inside his vehicle for roadside assistance.
6. Defendant Thomas Edward Kane, "Kane", was traveling northbound in the outside lane on Interstate 35 when he negligently lost control of his vehicle, exited the lane of travel, and struck Mr. Sibley's vehicle with such force that Sibley's parked vehicle was knocked at least 12 feet further north and off the roadway.
7. Upon investigation into the cause of the accident, the Oklahoma Highway Patrol determined that Defendant Kane exited his lane of travel illegally resulting in a violent crash into Sibley's 2006 Pontiac G6.
8. Defendant Kane was careless and negligent in the operation of the vehicle he rented from Defendant, The Hertz Corporation and as a result, Troy Sibley suffered debilitating and life altering injuries to his body, including but not limited to his cervical, thoracic, and lumbar spine through no fault of his own.
9. Defendant Tammy Kane was negligent in arranging for or otherwise authorizing, directly or indirectly, the rental agreement with Defendant Hertz and therefore was negligent in entrusting a motor vehicle to her son, Thomas Edward Kane, who she knew or should have known was an unfit and unsafe driver having recently wrecked his vehicle which caused the need for a rental car.

10. That as a result of the negligence of Tammy Kane, Troy Sibley has incurred medical expenses, past and future, in excess of \$10,000.00; lost wages in excess of \$10,000.00; impaired earning capacity in excess of \$10,000.00 and pain and suffering, past, present and future, in excess of \$10,000.00, therefore Sibley is entitled to actual damages in excess of \$75,000.00.
11. The damages attributed to the injuries suffered by Mr. Sibley exceed minimum liability limits mandated by Oklahoma law.
12. Upon information and belief, The Hertz Corporation is self-insured for the liability created by the individuals who rent their vehicle(s).
13. Pursuant to Okla. Stat. tit. 47 § 8-102, The Hertz Corporation is jointly and severally liable with Defendant Kane and Defendant Tammy Kane for the personal injuries suffered by Troy Sibley and the damages recoverable under Oklahoma law.
14. Upon information and belief, Defendant Hertz failed to adequately investigate Kane's driving record, and therefore negligently entrusted its vehicle to Defendant Kane.
15. Defendant Hertz failed to adequately train and or educate its employees on the qualifications of prospective renters to ensure their worthiness to operate its vehicle legally and safely.
16. Prior to entrusting its vehicle to Defendant Kane, Defendant Hertz failed to adequately inspect, maintain and or repair the vehicle Kane was operating.
17. Upon information and belief, Hertz's neglect contributed to the cause of the accident.
18. That as a result of the neglect of one or more of the Defendants, Troy Sibley suffered serious and permanent injuries to his bodily including but not limited to his head, neck, upper back, mid back, lower back, legs, disfigurement, psychological well-being, permanent impairment and permanent disability.

19. That due to the injuries suffered by Mr. Sibley, he has undergone extensive medical treatment including medications, physical therapy, injections and has or will undergo surgical intervention to repair damage to his lumbar spine.
- 20.. To treat the injuries suffered by Mr. Sibley due to the neglect of one or more of the Defendants, Mr. Sibley has incurred medical expenses in excess of \$75,000.00.
21. That the injuries suffered by Mr. Sibley are life threatening, progressive, degenerative and will require medical treatment including durable medical equipment and leg/foot brace for the rest of his life.
22. That the injuries suffered by Mr. Sibley has prevented him from working thereby causing him to lose wages and income in excess of \$10,000.00.
23. That the injuries suffered by Mr. Sibley have resulted in permanent impairments and/or permanent disability to multiple parts of his body that will impair his ability to earn a living in the future in excess of \$10,000.00.
24. The recoverable damages for the personal injuries suffered by Mr. Sibley, as defined by Oklahoma law, are in excess of \$75,000.00.

WHEREFORE, premises considered, Troy Sibley prays for a judgment against one or more of the Defendants in an amount in excess of \$75,000.00 for actual damages and for an amount in excess of \$75,000.00 for punitive damages together with court costs, attorney fees, pre and post judgment interest, as well as any other relief this court deems just and proper.

Respectfully submitted,



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